

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	CERTIFICATION OF A
)	SEXUALLY DANGEROUS PERSON
JOSE DE LA LUZ PEREZ,)	
Register Number 62812-080,)	
)	
Respondent.)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 25th day of January, 2011.

George E. B. Holding
United States Attorney

By: /s/ W. Ellis Boyle
W. ELLIS BOYLE
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Attorney for Petitioner
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N.C. Bar # 33826

CERTIFICATE OF SERVICE

This is to certify that I have this 25th day of January, 2011, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and placing the envelope in the U.S. mail for delivery to:

Jose De La Luz Perez
Reg. No. 62812-080
FCI Butner
P.O. Box 1000
Butner, NC 27509

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender
150 Fayetteville Street Mall
Suite 450
Raleigh, North Carolina 27601

/s/ W. Ellis Boyle
W. ELLIS BOYLE
Assistant U.S. Attorney
Attorney for Petitioner
U.S. Attorney's Office Civil Division
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CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, Ivonne E. Bazerman, am Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248.

(2) Bureau records reflect the following: Inmate Jose De La Luz Perez, Jr., Register Number 62812-080, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 120-month term of imprisonment, following his conviction for Transporting a Juvenile in Foreign Commerce With Intent to Engage in Aggravated Sexual Assault, in violation of 18 U.S.C. § 2423; and a consecutive 120-month term of imprisonment, following his conviction for Importing an Alien for the Immoral Purpose of Sexual Assault, in violation of 8 U.S.C. § 1328 (W.D. Tex.) (Case No. EP-93-CR-354(2)). His offense conduct included molesting and having anal intercourse with two boys for a period of two years, starting when one boy was ten years old and the other boy was eleven years old. His projected release date is February 10, 2011.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by

18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his current offense conduct. Additionally, he has prior convictions for: Indecency With a Minor With One Prior Felony Conviction, in the 120th District Court, El Paso County, Texas, for luring a 12-year-old male victim into a store dressing room purportedly to try on a pair of pants he wanted to send to his nephew, who was the same size as the victim; patting the boy's legs, thigh, and buttocks; rubbing the victim's crotch and the inside of his thigh; and putting his finger inside the victim's pants and fondling his penis (Case No. 38296-120); Indecency With a Minor, in the 283rd District Court, Dallas County, Texas, for approaching a ten-year-old male victim by a dumpster at an apartment complex parking lot, pinching and rubbing the victim's buttocks, touching him on the front of his pants, telling the victim to unzip his pants, and instructing the victim not to tell anyone about the incident (Case No. F82- 95538-RT); and Kidnapping of Minor to Conceal From Parent, in the 186th District Court, Bexar County, Texas, for abducting a seven-year-old male victim,


driving the victim to a motel, and forcing the victim to participate in oral sodomy multiple times

(Case No. 70-1639);

(b) A psychological review and assessment indicated Axis I diagnoses of Pedophilia, Sexually Attracted to Males;

(c) A review and assessment of him using an actuarial risk assessment instrument (Static-99R) was conducted. This result, in addition to his current and prior offense conduct, a history of revocation or failure to meet the stipulations of conditional release, intimacy deficits, and deviant sexual interests, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.


Ivonne E. Bazerman
Chairperson
Certification Review Panel
Federal Bureau of Prisons

1/6/2011
Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
JOSE DE LA LUZ PEREZ,)	
Register Number 62812-080,)	
)	
Respondent.)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this Court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a) (5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the appointment of a mental health examiner of the Respondent's choosing. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

Any and all future forensic reports, and other such psychological and psychiatric reports or documents relevant to this case, whether such reports are produced by the Federal Bureau of Prisons, independent examiners appointed by order of this Court, or other mental health professionals, shall be filed with this Court under seal, without need of further motion to seal, by either party. Further the Clerk is DIRECTED to permanently seal these reports in accordance with Local Civil Rule 79.2(b), E.D.N.C.

The Court hereby notifies the parties that in light of the provisions of the August 04, 2010 Standing Order, the parties will not be required to conduct an initial scheduling conference pursuant to Fed. R. Civ. P. 26(f).

This ____ day of January, 2011.

United States District Judge